

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

EVDOKIA NIKOLOVA,  
*Plaintiff,*

v.

UNIVERSITY OF TEXAS AT AUSTIN,  
*Defendant.*

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Civil Action No.: 1:19-CV-00877

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO RESPOND TO PLAINTIFF’S MOTION TO AMEND JUDGMENT TO INCLUDE FRONT PAY**

Defendant The University of Texas at Austin (“Defendant”) respectfully files this unopposed request for a 47-day extension of time to file its response to Plaintiff’s Motion to Amend Judgment and Include Front Pay and shows the Court as follows:

1. Defendant’s Response to Plaintiff’s Motion to Amend Judgment and Include Front Pay is currently due on September 30, 2022. Defendant seeks a 47-day extension, creating a new deadline of November 16, 2022.

2. The Parties have agreed to mediate the attorneys’ fees and front-pay issues, which, if successful, would obviate the necessity of the Court’s involvement. The Parties have agreed that Defendant need not respond to Plaintiff’s Motion to Amend the Judgment to Include Front Pay unless and until mediation fails. *See* Dkt. #109.

3. Moreover, since Plaintiff filed her Motion, Defendant’s counsel has been consumed with briefing, preparing, and participating in a Motion for Preliminary Injunction in *Fund Texas Choice, et al. v. Paxton, et al.*, civil action no. 1:22-CV-859, pending in this Court. In addition, Defendant’s counsel has Court-ordered supplemental briefing due on Monday, October 12, 2022 in *Texas v. Biden*, civil action no. 3:21-cv-00309, pending in the U.S. District Court for the Southern District

of Texas, as well as oral argument set before the Fifth Circuit on November 9, 2022 in *Wilder v. Stephen F. Austin State Univ.*, 21-40806.

4. As set out in the certificate of conference, undersigned counsel conferred with counsel for Plaintiff, Evdokia Nikolova, who indicated Plaintiff is unopposed to this motion.

5. This extension will not affect the Parties' proposed post-trial schedule as listed in their Joint Status Report. The Parties have moved mediation from October 17, 2022 to November 7, 2022 to allow the Parties a full day, rather than half-day, to mediate. In the Parties' Joint Status Report, the Parties contemplated that Defendant would respond to Plaintiff's Motion to Amend the Judgment to Include Front Pay one week after mediation, if mediation were unsuccessful. Since filing the Joint Status Report, the Fifth Circuit has set one of undersigned counsel's cases for oral argument two days after the Parties are scheduled to mediate. Accordingly, this extension allows Defendant two additional days to account for the time spent traveling to and participating in argument at the Fifth Circuit.

6. This motion is not filed for the purposes of delay but only to ensure that the briefing filed with the Court is appropriate and will assist the Court in the resolution of the pending matter. The Parties have been working diligently and in good faith to come to mutually agreeable post-trial briefing deadlines and mediation date to put the Parties in the best position to resolve this case without further Court intervention. The Parties welcome a status conference if it would be helpful to the Court.

#### **PRAYER**

Defendant respectfully requests a 47-day extension of time, up to and including November 16, 2022, to file Defendant's Response to Plaintiff's Motion to Amend the Judgment to Include Front Pay.

Respectfully submitted,

**KEN PAXTON**

Attorney General of Texas

**BRENT WEBSTER**

First Assistant Attorney General

**GRANT DORFMAN**

Deputy First Assistant Attorney General

**SHAWN COWLES**

Deputy Attorney General for Civil Litigation

**CHRISTOPHER D. HILTON**

Chief for General Litigation Division

/s/ Amy S. Hilton

**AMY S. HILTON**

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**COUNSEL FOR UT AUSTIN**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on Friday, September 30, 2022, I conferred with Plaintiff's Counsel, who indicated that Plaintiff is unopposed to this motion.

/s/ Amy S. Hilton

AMY S. HILTON  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2022, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Amy S. Hilton

AMY S. HILTON  
Assistant Attorney General